

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**DEFENDANTS' EMERGENCY MOTION FOR PROTECTIVE ORDER STAYING
DISCOVERY PENDING DECISION ON RENEWED MOTIONS TO DISMISS**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, and for the reasons stated in the accompanying memorandum of law, the Defendants, Boston Society of the New Jerusalem, Incorporated, Bostonview Corporation, Edward MacKenzie and Thomas Kennedy (“the Defendants”), hereby move that this Court issue a protective order staying all discovery in this action pending this Court’s decision on the Defendants’ Renewed Motions To Dismiss filed herewith.

WHEREFORE, the Defendants respectively pray that this Court issue a protective order staying all discovery in this action pending this Court's decision on the Defendants' Renewed Motions To Dismiss.

BOSTON SOCIETY OF THE NEW
JERUSALEM, INCORPORATED and
BOSTONVIEW CORPORATION,
Defendants.

By their attorneys,

/s/ Richard J. McCarthy
Richard J. McCarthy (BBO #328600)
Mary Patricia Cormier (BBO #635756)
EDWARDS & ANGELL LLP
101 Federal Street
Boston, MA 02110
Tel: (617) 439-4444
Fax: (617) 439-4170

EDWARD MACKENZIE and
THOMAS KENNEDY,
Defendants.

By their attorneys,

/s/ Nicholas B. Carter
Howard M. Cooper (BBO #543842)
Nicholas B. Carter (BBO #552574)
TODD & WELD LLP
28 State Street, 31st Floor
Boston, MA 02109
(617) 720-2626

Dated: Boston, MA
June 14, 2004

Local Rules 7.1 and 37.1 Certification

On June 14, 2004, in a good faith attempt to narrow the areas of disagreement between the parties regarding the issues in this Motion, the undersigned contacted Plaintiffs' counsel, Christopher J. Trombetta, by telephone and asked him to defer all discovery until after this Court's decision on the Defendants' Renewed Motion To Dismiss. Mr. Trombetta declined this request without further discussions after review of the Consent Judgment in Commonwealth v. Kennedy et al., Suffolk Superior Court Civil Actions No. 03-5408A and 04-2597.

/s/ Nicholas Rosenberg
Nicholas Rosenberg (BBO #657887)